



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD,
City Council Chambers 777 B Street, Hayward, CA
94541 Tuesday, October 13, 1998, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, **Hilson**,
Rodriquez, Ward, Dowling, **Henson**
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

Mayor Cooper presented her monthly Pride in Hayward Award to the following Hayward Highlands homeowners: Kenneth and Elaine **Wuest**, John and Lorraine Ramos, Ray and Mary Warner, Jerrold and Myra Feiger, and John Florio and Lisa Pan.

PUBLIC! COMMENTS

Jason **Moreno**, 25200 Carlos Bee Boulevard, spoke on Measure HH. He asked how many jobs would be created, guaranteed to go to Hayward residents and what companies would suffer if this measure passes. He asked whether penalties would be imposed if such promises were not met. He asked the same questions regarding the parking, structure that is being built across from the City Hall.

Nels Nelson, 1922 East Avenue, representing the Hayward Area Historical Society, spoke in honor of Alden Oliver, who provided a trust for the Society. Dr. Nelson spoke in favor of Measure HH.

Sheila Junge, 22741 **Souza** Court, **#4**, read a statement in favor of maintaining the wetlands in the area south of Rt. 92 and asked that voters oppose Measure HH.

Viola Saima-Barklow, 1210 Tiegen Drive, chair of the Committee to Save Open Space, opposing Measure HH, emphasized that the proposal will build homes in the middle of a flood plain and there will be an increase in the number of road trips for landfill to the area on local streets.

Frank Goulart, 22248 Main Street, spoke for the Neighborhood Alliance on "Make a Difference Day," October 24 and invited neighborhoods to get out and make a difference in the community. He then spoke from the Prospect Hill Neighborhood Association and thanked the City for work on the park site at Main Street and Simon. He also asked for a "**No**" vote on Measure HH. He said

that other members of the Historical Society should be patient in waiting for philanthropists to come to their aid so that development will not have to occur west of the railroad tracks. He said he thought this property should be used as mitigation to other projects in the Bay Area.

CONSENT

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of October 6, 1998.

It was moved by Council/RA Member Hilson, seconded by **Council/RA** Member Jimenez, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of October 6, 1998.

2. Acceptance of Resignations from the Downtown Hayward Business Improvement Area Advisory Board

Staff report submitted by City Clerk Reyes, dated October 13, 1998, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 98-177, "Resolution Accepting Written Resignations of Florence Milton, Kevin Thompson and Geoff Harries as Members of the Downtown Business Improvement Area Advisory Board"

3. **Soto** Road and **Winton** Avenue Sidewalk Improvements: Approval of Council Change Order No. 1

Staff report submitted by Deputy Director of Public Works Bauman, dated October 13, 1998, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 98-178, "Resolution Approving Council Change Order No. 1 to Project 5730, **Soto** Road and **Winton** Avenue Sidewalk Improvements"



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HEARINGS

4. Zone Change 98-190-05 and Vesting Tentative Map Tract 7033 - Greystone Homes, Inc. (Subdividers); Charles Grimshaw, Ronald E. And Grace E. Marciel (Owners) - Request to Rezone One Parcel Totaling 4.2 Acres from Single Family Residential, 6,000 sq. ft. Parcel Minimum, and to Subdivide Parcel into 24 Single-Family Parcels Ranging in Size from 5,000 ± sq. ft. to 9,900 sq. ft. - Property Located at 28191 Hesperian Boulevard

Staff report submitted by Development Review Services
Administrator Anderly, for October 13, 1998, was filed.

Development Review Services Administrator Anderly reported the highlights of this development and responded to questions. In response to a question from Council Member **Henson**, she noted that an early warning system would be installed in each home that would be monitored by the Fire department and will address the concern that the project has only one public access off Tahoe Avenue.

Council Member Hilson expressed his concern regarding Lot 19 as well and thought that the project was somewhat overdeveloped. He asked whether the developer has offered a return for the increased density requested, as the proposed project does not currently meet the zoning requirements thus the need to provide a zone change.

Development Review Services Administrator Anderly responded that the request for RS rezoning is consistent with the City's General Plan.

Mayor Cooper opened the public hearing at **8:42** p.m.

Donald E. Lapidus, representing Greystone Homes, 920 **Hillview** Court, Suite 280, Milpitas, noted that his firm is a local developer and a part of the Lanar Homes. He introduced other team members who could respond to Council questions. He described the project and asked for a condition adjustment to number 46, relating to the replacement of trees within 60 days after the issuance of a tree removal permit. He asked that it read, prior to occupancy of the home.

Dennis Pulizzano, 2528 Tahoe Avenue, expressed concern that there is no direct access from the new project to Hesperian Boulevard. He was also concerned whether street parking in the new development would be adequate. He was concerned that street parking on Tahoe will be impacted by this project.

Development Review Services Administrator Anderly responded to these concerns. A second access directly to Hesperian would conflict with the traffic on Hesperian at a second point rather

than just one. In order to create a living environment that meets the noise standards, a noise barrier of a masonry wall along Hesperian Boulevard would need to be installed. If this were cut to make an opening, you would breach that. She indicated that the parking on the street would meet City requirements of two spaces in the garage, two in the driveway and one on the street.

Betty Kvalnes, 28282 Peachtree Drive, spoke in opposition to the removal of the eucalyptus trees, and was concerned that the trees be replaced as soon as possible. She also inquired how condition of approval number 65 would be enforced, requiring the property owners to maintain the trees that will be planted in the new lots.

Development Review Administrator Anderly responded that a recorded covenant does not guarantee the tree maintenance, but the homeowners association will be charged with the responsibility of ensuring that the trees are maintained.

Council Member Ward asked that the developer's landscape architect describe the nature of the new **24-inch** boxed trees. She said that the present stand of eucalyptus is near the end of their life span and could be dangerous. The new trees will be a mixture of several species, will grow from **10-14** feet higher, and be relatively fast growing.

Council Member Hilson questioned the eucalyptus coming to the end of their life cycle since they are not more than 45 years old and live to be 200. He then suggested that perhaps the developer offer trees to the adjacent homeowners.

Ron **Barklow**, 1210 Tiegen Drive, asked that the developer be concerned about nesting birds in the trees that will be removed.

Mayor Cooper closed the public hearing at **9:07 p.m.**

Council requested that staff and the developer propose a traffic mitigation plan. It was suggested that a traffic signal would need to be installed to deal with cross traffic on Hesperian. The proposed condition of approval should be added for traffic mitigation at **Hesperian/Tahoe** and **Hesperian/Catalpa**.

Council Member **Henson** asked that the developer address the issue of privacy on Lot 19. Mr. **Lapidus** noted that the home would be a two-story with no windows on the side adjacent to other homes. The front and backyard of this home will be larger than the other homes of the project. He noted that there is no mechanism for maintaining a park on this parcel if this lot is deleted. He also noted that with only 24 parcels, it would make a definite economic impact on the feasibility of the project. Lastly, he noted that the setbacks for the adjacent homes are over twenty feet giving Lot 19 more privacy and making it a more desirable home.



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Council Member **Henson** asked that staff respond to the possibility of adding this to the Landscape and Lighting District for maintenance and upkeep of the lot as a **greenway** area. City Manager **Armas** responded that there was.

Council Member Hilson said he shared the concern about Lot 19 as well. He agreed that the Lot should be deleted and perhaps added to the other lots. He also suggested that developer submit a higher standard of homes than that presented in the project renderings. He then urged that the developer plant the replacement trees as soon as possible.

Council Member Ward asked that staff comment on the traffic impacts to Hesperian. Public Works Director Butler responded that any new development would have some impact on traffic. However, in terms of the total impact relative to the present volume, there will not be a great impact. This intersection already meets the warrant for a traffic signal and it is on the top-10 priority list in the CIP (Capital Improvement Program) budget. The developer will pay a supplemental building and construction tax which can allow some dollars from the General Fund for traffic improvements. Because the traffic signal is already warranted and because the project makes no difference in level of service, it would not be justifiable to require the developer to install the traffic signal. He said the amount of dollars in revenue from the project would not allow the traffic signal to move substantially higher on the list of priorities for the City.

Council Member Ward then asked that staff report on its efforts towards maintaining Western Garden Nursery in Hayward. Director of Community and Economic Development Ehrenthal enumerated the various outreach efforts in researching sites for the nursery.

Council Member Rodriguez commented on the proposed structure for Lot 19 as well as the wall along Hesperian. She was informed that it would be similar to the **Soto** Road wall, but the landscaping has not been completed nor confirmed. She thanked staff for a thorough report on the situation regarding the schools.

Mayor Cooper then re-opened the public hearing at **9:29** p.m.

Ann Walsh, 28297 **Capitola** Street, expressed concern about the traffic impacts on her neighborhood.

Carole Chavez, 2533 Tahoe, was concerned about the two-story Lot 19 home that would be adjacent to her home, which is a one-story building. She would like to see trees planted at the rear of that lot.

Paul Kruger, with Greystone Homes, engineer for the project, commented on Lot 19. He noted that it is similar to a typical corner lot within the City. He indicated that the only thing unusual

about Lot 19 was the front yard, which does not have the normal street frontage with a private courtyard. He commented on various ways the lots might be moved around but indicated that they tried to make as much room in yard space as opposed to street space.

In response to Ms. Chavez' comments, Mr. Lapidus said that if the windows on the houses overlooking her property cannot be adjusted to give her privacy, they would consider placing trees at the rear of the lot. He added that they would be willing to spread the Lots 16, 17, 18, and 19 and adjust the cul-de-sac slightly to make Lot 19 a more generous lot.

Mayor Cooper closed the public hearing at **9:39** p.m.

Council Member Hilson offered a motion to certify the negative declaration, approve the rezoning and vesting tentative map with the deletion of Lot 19, along with all of the Conditions of Approval. The motion died for a lack of a second.

City Manager **Armas** explained that the Council was being asked to consider a tentative map. If they were to approve it, the final map would determine conformity with this decision. It would not be a new, substantive determination at that point.

Council Member **Henson** then made the same motion as was previously made. Council Member Hilson seconded the motion.

Council Member Ward asked for a substitute motion to approve the Negative Declaration; rezone the property and approve the Conditions in the staff report, with the modification to allow the applicant to work with staff to make modest adjustments to Lot 19, 18, 17, and 16. The plans for the side yard on lot 19 be increased on the eastern side; and, that staff work with the applicant to make all the lots relatively more private than they are now. The item would then come back to Council for concurrence. Council Member Jimenez seconded the motion.

Council Member Dowling **asked** the applicant whether he would offer to pay approximately half **(\$75,000)** the cost for a traffic signal.

Mr. Lapidus indicated that it would not be economically feasible to pay the cost as well as all of the other fees required by the City for the project including the supplemental building fees.

City Manager **Armas** suggested that Council Member Ward's motion **be** considered as direction to staff, the item could be continued for two weeks so that staff can work with the applicant on the readjustments of the lots, as well as provide more specific information relating to the traffic signal.

Council Member Ward revised his substitute motion to approve the project in concept and direct staff to work with the applicant to reconfigure lots 16-19 and review the issues of traffic and how to resolve them.



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It was moved by Council Member Ward, seconded by Council Member Jimenez, and carried by the following roll call vote to direct staff to work with the applicant to reconfigure Lot 19 by adjusting lots 16 – 19, provide for privacy for neighboring lots, work with staff and continue the public hearing to October 27, 1998:

AYES: Council Members Jimenez, Rodriquez, Ward,
Dowling, **Henson**
MAYOR Cooper
NOES: Council Member Hilson
ABSENT: None
ABSTAINED: None

5. Amendments to Sign Ordinance, Chapter 10, Zoning, of the Hayward Municipal Code

Staff report subrnitted by Associate Planner **Camire**, dated October 13, 1998, was filed.

Development Review Administrator Anderly gave an overview of the various changes in the sign ordinance.

Council Member **Henson** asked about the freeway oriented signs with the electronic reader boards. He wondered about the sign at Southland and how it would be dealt with under this ordinance.

Development Review Administrator Anderly said that' it is zoned commercial and they have been encouraged to come in with a 'master sign program.

Council Member, Ward wondered whether there would be a provision for the advertising on the water tower at the former Hunt's Cannery.

Development Review Administrator Anderly responded that there is a provision for Planning Director discretion over historic signs and if the water tower were considered an historic element, it could be approached from that direction.

Mayor Cooper opened the public hearing at 10: 15 p.m.

Leon Bell, Bell's Sea Food and Soul Food, 155 Jackson Street, said that, as a small business owner, he needs the A-frame signs in order to advertise his business.

Ron **Barklow**, 1210 Tiegen Drive, asked about signs being placed in habitat areas. He was concerned that a biologist should have made the determination as to whether there was a threat to rare and endangered species. He also expressed concern regarding campaign signs being placed on telephone poles.

Mayor Cooper closed the public hearing at **10:20** p.m.

Council Member **Henson** moved to adopt the revised Negative Declaration and the ordinance with the addition of allowing freeway oriented reader boards in commercial areas, under the control of staff as to the size and number.

Council Member Dowling asked for a friendly amendment to prohibit scrolling signs. Council Member **Henson** indicated that with the evolution of **signage**, they are valuable and can be valuable in today's market.

Council Member Dowling then asked for a substitute motion to adopt the revised Negative Declaration, introduce the ordinance with the change of freeway-oriented reader boards but prohibiting scrolling signs. The motion died for lack of a second.

It was moved by Council Member **Henson**, seconded by Council Member Ward, and unanimously carried by all present, to introduce the following, also allowing freeway-oriented reader boards in commercial areas with prior staff approval:

Ord 98-___, "An Ordinance Adopting a Mitigated Negative Declaration For and Amending Hayward Municipal Code Section 10-1 .**4993**, Part of the Zoning Ordinance; and Revising the Sign Regulations Contained in Hayward Municipal Code Chapter 10, Article 7"

COUNCIL REPORTS

Council Member Dowling reported on his attendance at the League of California Cities Conference in Long Beach. He described various seminars on waste management and the collaboration between cities and schools.

Council Member Ward explained that one of the most intriguing facts was that the area for the conference was 'in the Long Beach redevelopment area. The City continues to revitalize the downtown and he was encouraged by their success. A seminar by the State of California's Department of Community Development is extending the due date for revised housing elements. The housing element update is not due until 2002. The State has become more sensitive to local needs and realizes that it has to offer local communities the opportunity to work with the regional agency, which makes the determination as to what the housing needs are going to be for **ABAG** issues and information.



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Council Member Rodriquez exchanged comments with people from other cities. She attended a five-hour session with people from smaller areas, which emphasized problems in common with larger areas: crime, endangered species, and even angry constituents at public meetings.

Council Member Hilson has developed a personal affinity to Long Beach. He recalled going to Long Beach four years ago and noting the older style lighting for the historic district. He pointed it out to other members of the Council and now the City of Hayward has similar lighting downtown. He attended a number of sessions and moderated and spoke on a session of the Telecommunications Act of 1996. He also spoke on the Internet Tax Freedom Act.

Council Member **Henson** spoke as the liaison to the Fort Worth National League of Cities joint venture with Public Technologies Inc. The purpose was to try to identify the upcoming technology and where it fits in the local level. The focus was on the **Y2K** (Year 2000) problem. They tried to identify funding sources from the federal government. There is money for this purpose for the public safety side of the problem. He will pursue that. PTI provides lists of technology that has been tested and will be provided for our future purchases.

Mayor Cooper met the two candidates for Governor who presented their platforms. She represented the City at the General Resolutions Committee and one of the measures passed had to do with Measure **1A**, having to do with a huge bond for public education. The opposition to the measure has come because the schools did not fight for communities to get their money back from the State as part of ERAP and secondly, the State has to stop leaning on cities and others to balance the State budget. The measure was passed.

ADJOURNMENT

Mayor Cooper adjourned at **10:35** p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward